

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petitions of the City of
Simi Valley, City of Thousand Oaks, and
Camarillo Sanitary District for Review of
Action and Failure to Act by Los Angeles
Regional Water Quality Control Board.

SWRCB/OCC File A-1577 (Camarillo)
SWRCB/OCC File A-1578 (Thousand Oaks)
SWRCB/OCC File A-1579 (Simi Valley)
[Related Petition: SWRCB/OCC File A-1474]

STIPULATION FOR FURTHER ORDER
ISSUING STAY

RECITALS

1. On October 17, 2002, the State Water Resources Control Board (SWRCB) adopted Order No. WQO 2002-0017. The Order approved the "Stipulation for Order Issuing Stay with Conditions" entered into by the Cities of Simi Valley and Thousand Oaks, Camarillo Sanitary District, Camrosa Water District and Ventura County Water Works District No. 1 and the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), staying chloride effluent limitations contained in WDRs issued to the five publicly owned treatment works. The parties stipulated to a modification of Order No. WQO 2002-0017 on March 31, 2003.

2. On July 7, 2003, the Cities of Simi Valley and Thousand Oaks, and the Camarillo Sanitary District (collectively "Petitioners"), pursuant to Water Code section 13320, filed petitions for review with the SWRCB of, among other things, the new effluent limitations for chloride contained in orders adopted by the Regional Board on June 5, 2003. Petitioners further requested that the SWRCB issue a stay of such limitations.

3. The new effluent limitations for chloride in the permits and accompanying time schedule orders pertaining to chloride were proposed and adopted after receipt of an objection from the United States Environmental Protection Agency Region IX ("U.S. EPA") to the draft

1 orders that were consistent with the stay issued in WQO 2002-017. U.S. EPA contended that the
2 final orders must include effluent limitations for chloride consistent with wasteload allocations
3 (WLA) contained in a Total Maximum Daily Load (TMDL) for chloride promulgated by
4 U.S. EPA on March 2, 2002. The TMDL was based upon a water quality objective for chloride
5 of 150 mg/l.

6 4. Petitioners contend, among other things, that the Regional Board improperly
7 included the numeric effluent limitations for chloride in the orders. The bases of Petitioners'
8 objections are articulated in their respective petitions. The Petitioners ask that the SWRCB stay
9 the chloride effluent limitations consistent with Order WQO 2002-0017.

10 5. Petitioners allege they will incur substantial harm if the effluent limitations for
11 chloride are not stayed. Petitioners contend that, absent a stay, they must immediately initiate
12 planning and construction of expensive reverse osmosis facilities in order to comply with the
13 effluent limitations.

14 6. The parties agree that the public will not incur substantial harm if a stay is granted.

15 7. The Regional Board and the Petitioners agree upon the need to further consider
16 water quality standards for chloride and alternate approaches to chloride regulation in the
17 Calleguas Creek watershed. In this regard, Petitioners have submitted to the Regional Board a
18 work plan for salts in the Calleguas Creek watershed to support determinations of beneficial
19 uses, water quality objectives, and development of TMDLs as necessary. The Executive Officer
20 of the Regional Board approved such work plan by letter of July 3, 2003, and activities in
21 furtherance of the work plan are in progress.

22 8. The Regional Board and the Petitioners, considering the history of chloride
23 regulation in the Calleguas Creek watershed, the existing stay in effect pursuant to WQO 2002-
24 0017, the incorporation of chloride effluent limitations into the various Regional Board orders
25 that are the subject of the petitions, and the intent to constructively address chloride regulation in
26 the Calleguas Creek watershed and to amicably resolve issues raised in the petitions, have agreed
27 to stipulate to a stay order by the SWRCB as provided below.

28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4
- 5

6
7
8

9
10
11

12
13
14

15
16
17

18
19
20

21
22
23
24
25
26
27
28

1 the Stipulation for Further Order Issuing Stay, subject to the right of the Petitioners to reactivate
2 the Petition."

3 "(d) The Regional Board may request that the State Board dissolve this stipulated stay.
4 Upon receiving such a request to dissolve the stay, the State Board shall reactivate Petitioners'
5 petitions as related to chloride and motion for stay. Upon receipt of the request to dissolve the
6 stay, the State Board will, after consultation with the parties, establish a schedule for briefing
7 and, if appropriate, a hearing, with respect to whether a further stay should issue. Under such
8 circumstances, the dissolution of stay issued by this Order upon the parties' Stipulation shall be
9 coincident with the State Board's ruling on Petitioners' motion for stay and such dissolution will
10 be effective prospectively only."

11 CALIFORNIA REGIONAL WATER QUALITY
12 CONTROL BOARD, LOS ANGELES REGION

13 DATE: _____

14 By _____
15 Dennis Dickerson, Executive Officer

16 DOWNEY BRAND LLP

17 DATE: Oct. 9, 2003

18 By Roberta L. Larson for
19 Melissa Thorne
20 Attorneys for Petitioners Camarillo
21 Sanitary District, City of Thousand Oaks,
22 and City of Simi Valley

23 ARNOLD, BLEUEL, LAROCHELLE,
24 MATHEWS & ZIRBEL

25 DATE: Oct 9, 2003

26 By Roberta L. Larson for
27 Mark Zirbel
28 Attorneys for City of Thousand Oaks

SOMACH, SIMMONS & DUNN

DATE: Oct 9, 2003

By Roberta L. Larson
Roberta L. Larson
Attorneys for Petitioners in
SWRCB/OCC File No. A-1474

1 the Stipulation for Further Order Issuing Stay, subject to the right of the Petitioners to reactivate
2 the Petition."

3 "(d) The Regional Board may request that the State Board dissolve this stipulated stay.
4 Upon receiving such a request to dissolve the stay, the State Board shall reactivate Petitioners'
5 petitions as related to chloride and motion for stay. Upon receipt of the request to dissolve the
6 stay, the State Board will, after consultation with the parties, establish a schedule for briefing
7 and, if appropriate, a hearing, with respect to whether a further stay should issue. Under such
8 circumstances, the dissolution of stay issued by this Order upon the parties' Stipulation shall be
9 coincident with the State Board's ruling on Petitioners' motion for stay and such dissolution will
10 be effective prospectively only."

11 CALIFORNIA REGIONAL WATER QUALITY
12 CONTROL BOARD, LOS ANGELES REGION

13 DATE: October 10, 2003

By Dennis H. Dickerson
Dennis Dickerson, Executive Officer

14 DOWNEY BRAND LLP

15
16 DATE: _____

By _____
Melissa Thorne
Attorneys for Petitioners Camarillo
Sanitary District, City of Thousand Oaks,
and City of Simi Valley

19 ARNOLD, BLEUEL, LAROCHELLE,
20 MATHEWS & ZIRBEL

21
22 DATE: _____

By _____
Mark Zirbel
Attorneys for City of Thousand Oaks

24 SOMACH, SIMMONS & DUNN

25
26 DATE: _____

By _____
Roberta L. Larson
Attorneys for Petitioners in
SWRCB/OCC File No. A-1474